

Attorney Docket No.: 6567.200-US
Sorensen et al.
Application No.: 10/735,963 Filed December 15, 2003
Via Facsimile No.: 571-273-8300

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Attorney Docket No.: 6567.200-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sorensen et al. Confirmation No.: 3391
Application No.: 10/735,963 Group Art Unit: 1625
Filed: December 15, 2003 Examiner: Chang, Celia C.
For: Substituted Homopiperidine, Piperidine or Pyrrolidine Derivatives

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Office Action mailed January 31, 2006, having a shortened statutory period for reply set to expire February 28, 2006, subject to extensions of time under 37 C.F.R. §1.136(a). A petition for a two (2) month extension of time to increase the period for reply from February 28, 2006, to April 30, 2006, is enclosed herewith to permit timely filing of this response.

The Examiner states that claims numbered 1-67 are pending in the application and claims 1-67 are subject to a restriction and/or election requirement.

The Examiner has required a restriction in this application for examination purposes to one of the following inventions:

Group I.: Claims 17-18, and claims 1-16, 19-52 and 64 in part, drawn to compounds and compositions wherein Y is a 5-membered monocyclic heteroaryl.

Group II: Claims 14-16 excluding monocyclic of Group I, and claims 1-13, 19-52 and 64 in part, drawn to compounds and compositions wherein Y is a 5-membered multiple ring

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heteroaryl.

Group III: Claim 13 excluding 5-membered heteroaryl, and claims 1-12, 19-52 and 64 in part, drawn to compounds and compositions wherein Y is a 6-membered ring heteroaryl.

Group IV: Claims 1-12, 19-52, and 64 excluding the above Groups I-III, drawn to compounds and compositions wherein Y is the remaining moieties.

Group V: claims 53, 63 and 67 drawn to a method of inhibiting histamine H3 receptor.

Group VI: Claims 54-55, drawn to a method of reducing body weight.

Group VII: Claim 56, drawn to a method of suppressing appetite.

Group VIII: Claim 57, drawn to a method of treating disorders/diseases related to overweight.

Group IX: Claim 58, drawn to a method of treating eating disorder.

Group X: Claims 59-61, drawn to a method of treating IGT/type II diabetes.

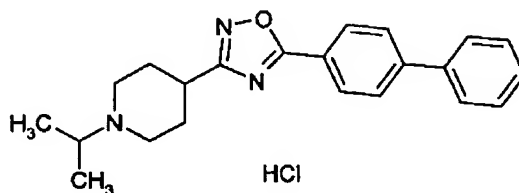
Group XI: Claim 65, drawn to a method of treating allergy.

Group XII: Claim 66, drawn to a method of treating Alzheimer's disease.

In response to the restriction requirement, Applicant hereby elects, for examination purposes, the invention of Group I: Claims 17-18, and claims 1-16, 19-52 and 64 in part, drawn to compounds and compositions wherein Y is a 5-membered monocyclic heteroaryl, having $r = 1$.

Applicant additionally elects a single species, for examination purposes, disclosed in Example 56 found on page 65, line 17, of the specification as originally filed:

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4-(5-Biphenyl-4-yl[1,2,4]oxadiazol-3-yl)-1-isopropylpiperidine, hydrochloride.

Applicant hereby reserves the right to file continuing or divisional applications directed to the nonelected and/or cancelled subject matter.

The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this response or application.

Respectfully submitted,

Date: April 28, 2006

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